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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,886	09/06/2000	Jeffrey L. Hirka	47004.000084	8892

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,886

Applicant(s)

HIRKA ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4. 6) ☐ Other: _____

DETAILED ACTION

1. Minor Informalities

a. Abstract

Lines 6-7 of the Abstract contain a grammatical error. The word "an" in the phrase "charge against an designated credit account" should be the word "a".

Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkins (US Patent 5,644,727).

Re. Claim 1 & 24, Atkins anticipates a method for accessing funds in at least one cash account, comprising the steps of (Title; Fig. 3 – Cash Account is inherent):

a) interfacing to an authorization server to authorize individual transactions initiated through use of a linked account instrument against a predetermined cumulative limit on said at least one cash account (Linked Account Management System – Abstract, lines 20-23, 25-28; Predetermined - Col. 7, lines 20-30; Server – Col. 7, line 30; Bank/Financial Institution Management – Col. 11, lines 3-27; Account management System - Col. 29, lines 3-25); and

b) performing sweeps of said at least one cash account to determine whether charges incurred through use of the linked account card can be satisfied by funds in said at least one cash account, or charged against at least one designated backing credit account (Sweeps – Col. 7, lines 42-45; Credit – Col. 7, line 26).

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Re. Claim 2 & 25, Atkins anticipates a method of claim 24, wherein said at least one cash account comprises at least one demand deposit account (Fig. 3 – A Demand Deposit Account is Inherent).

Re. Claim 3 & 26, Atkins anticipates a method of claim 24, wherein said at least one demand deposit account comprises a plurality of demand deposit accounts (Fig. 3 – A Demand Deposit Account is Inherent).

Re. Claim 4 & 27, Atkins anticipates a method of claim 24, wherein step (a) further comprises the step of c) holding said at least one cash account at any financial institution (Col. 27, line 56 – Col. 28, line 25; Col. 29, lines 3-25. The use of accounts in a variety of financial institutions is inherent.).

Re. Claim 5 & 28, Atkins anticipates a method of claim 24, wherein said at least one credit account comprises a plurality of credit accounts (Col. 27, line 56 – Col. 28, line 25; Col. 29, lines 3-25. The use of a plurality of credit accounts is inherent.).

Re. Claim 6 & 29, Atkins anticipates a method of claim 24, wherein step (b) further comprises the step of: d) holding said at least one credit account at any financial institution (Col. 27, line 56 – Col. 28, line 25; Col. 29, lines 3-25. The use of a plurality of credit accounts is inherent.).

Re. Claim 7 & 30, Atkins anticipates a method of claim 24, wherein step (b) further comprises the step of: e) providing an associated credit line for said at least one credit account that is at least equal to the predetermined cumulative limit (Col. 29, lines 5-6).

Re. Claim 8 & 31, Atkins anticipates a method of claim 24, wherein the authorization server comprises at least one of an account information database, an account balance database, and a transaction history database (col. 7, lines 27-30; Col. 28, line 66 – Col. 29, line 2).

Re. Claim 9 & 32, Atkins anticipates a method of claim 24, wherein step (a) further comprises the step of: f) generating individual automated clearing house debits for each transaction initiated with the linked account instrument, and authorized by the authorization server (Bank operation of system – Col. 7, lines 47-53; ACH transaction information is an inherently available type of information to provide to a customer in this system.).

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Re. Claim 10 & 33, Atkins anticipates a method of claim 32, wherein step (f) further comprises the step of: g) processing the automated clearing house debits against said at least one cash account via an automated clearing house (Inherent to Atkins, since the system is to be operated by a bank - Col. 7, lines 47-53).

Re. Claim 11 & 34, Atkins anticipates a method of claim 33, wherein step (g) further comprises the step of: h) processing the automated clearing debits against said at least one cash account in the order in which they were generated (Inherent to Atkins due to bank operation of the system).

Re. Claim 12 & 35, Atkins anticipates a method of claim 33, wherein step (g) further comprises the step of: i) processing each automated clearing house debit against said at least one cash account based on the relative size of its amount (Bank operation; processing according to a predetermined set of rules is Inherent in Atkins per establishment of predetermined rules - Col. 7, lines 20-30).

Re. Claim 13 & 36, Atkins anticipates a method of claim 35, wherein step (i) further comprises the step of: j) processing the smallest debit amounts against said at least one cash account first, leaving larger debits that cannot be satisfied by said at least one cash account to be processed against said at least one credit account (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 14 & 37, Atkins anticipates a method of claim 35, wherein step (i) further comprises the step of: k) processing the largest debit amounts against said at least one cash account first, leaving smaller debits that cannot be satisfied by said at least one cash account to be processed against said at least one credit account (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 15 & 38, Atkins anticipates a method of claim 33, wherein step (g) further comprises the step of: l) processing an entire debit amount against said at least one credit account in the event that there are funds in said at least one cash account that can only cover a percentage of the debit amount (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 16 & 39, Atkins anticipates a method of claim 33, wherein step (g) further comprises the step of: m) processing a first percentage of the debit amount against said

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at least one cash account and a second percentage of the debit amount is processed against said at least one credit account in the event that there are funds in said at least one cash account that cannot satisfy the entire debit amount (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 17 & 40, Atkins anticipates a method of claim 24, wherein the predetermined cumulative limit is a daily limit (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 18 & 41, Atkins anticipates a method of claim 40, wherein step (a) further comprises the step of: n) ceasing to authorize additional transactions attempted with the linked account instrument once the predetermined cumulative limit has been reached (Inherent in Atkins per establishment of predetermined rules; Abstract – lines 25-28).

Re. Claim 19 & 42, Atkins anticipates a method of claim 41, further comprising the step of: o) ceasing to authorize transactions attempted with the linked account instrument if a first sweep of said at least one cash account finds insufficient funds to satisfy previous charges incurred through use of the linked account instrument (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 43, Atkins anticipates a method of claim 42, further comprising the step of: p) clearing said at least one credit account if a subsequent sweep of said at least one cash account finds adequate funds to satisfy those funds temporarily covered by said at least one credit account (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 20 & 44, Atkins anticipates a method of claim 43, further comprising the steps of: q) refreshing the predetermined cumulative limit; and r) authorizing transactions after said at least one credit account has been cleared (Inherent in Atkins per establishment of predetermined rules).

Re. Claim 21 & 45, Atkins anticipates a method of claim 44, further comprising the step of: s) charging a user of the linked account instrument a fee for use of said at least one credit account (Col. 11, lines 3-27. Inherent.).

Re. Claim 22 & 46, Atkins anticipates a method of claim 42, further comprising the step of t) continuing to cease authorization of transactions attempted with the linked account instrument if a predetermined number of subsequent sweeps of said at least one cash

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account fail to find sufficient funds to satisfy the charges incurred through use of the linked account instrument (Inherent in Atkins per establishment of predetermined rules and inherent bank policies; Abstract – lines 25-28).

Re. Claim 23 & 47, Atkins anticipates a method of claim 41, further comprising the step of u) continuing to authorize linked account instrument transactions up to the predetermined cumulative limit against available credit on said at least one credit account, even if a first sweep of said at least one cash account finds insufficient funds to satisfy previous charges (Inherent).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Souh, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9601 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.


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SEC

December 15, 2003



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